

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Kousetsu SAI

Serial No. 10/763,275

Group Art Unit: 2434

Confirmation No. 6491

Filed: January 26, 2004

Examiner: BAYOU, YONAS A

For: SECURITY SYSTEM, INFORMATION MANAGEMENT SYSTEM, ENCRYPTION SUPPORT SYSTEM, AND COMPUTER PROGRAM PRODUCT

**DECLARATION OF JOSEPH BERRY**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Joseph Berry, declare that:

1. I have been employed in the Docketing Department of the firm of Staas & Halsey LLP since March 15, 2000, and my title is Manager of Docketing Department.

2. I am directly responsible for docketing all incoming USPTO correspondence received at Staas & Halsey LLP as the correspondence address of record with the USPTO for an Office Action to be received, namely receipt of an Office Action mailed September 11, 2009 in the instant above-identified patent application, by application serial number, attorney docket number, mail date of the Office Action and the due date for any response due, by the Docketing Department in the Staas & Halsey LLP Docketing computer database.

3. During the regular course of business, the USPTO mail received at Staas & Halsey LLP is first opened and date-stamped, and separated into a specific USPTO received mail file. The USPTO received mail file is then passed directly to the Docketing Department. Each piece of USPTO mail is checked against the Staas & Halsey LLP Docketing computer database by docket number and serial number. Any USPTO correspondence which requires a response is docketed in our Docketing computer database. Only then is the correspondence passed to the responsible attorney.

4. Attached hereto is a copy of an incoming master docket record daily docket report ("PTO Mail Received") from the Docketing computer database showing all incoming mail which has a USPTO mailing date of September 11, 2009 as additional documentary proof of nonreceipt of the Office Action of September 11, 2009 in the subject Application. Further attached is a copy of the master data center (mdc) docket report ("Patent Data") from the Docketing computer database showing the history of the above-identified application as well as a master docket record report ("Staas & Halsey E-Mail Daily Patent") showing all replies docketed for a date three-months from the mail date of the nonreceived Office Action, namely between the dates of December 10-12, 2009.

Clearly, there is no record of receipt of an Office Action mailed September 11, 2009 on these docket reports from the Docking computer database. Among my inputs in the Staas & Halsey LLP Docketing database of application serial number, attorney docket number, mail date of the Office Action and the due date for any response due, for other USPTO mail having a mail date of September 11, 2009, neither the serial number nor the firm docket number of the above-identified application appears on the pages of the "PTO Mail Received," "Patent Data," and "Staas & Halsey E-Mail Daily Patent" docket reports from the Docketing computer database.

5. I further declare that all statements made herein of my own knowledge are true, and all statements made herein on information and belief are believed to be true; and further that these statements have been made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under the Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of this application and any patent issuing hereon.

Date: 4-19-10

By:

  
Joseph Berry,  
Docketing Manager

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